



# House of Representatives

General Assembly

**File No. 796**

*January Session, 2005*

Substitute House Bill No. 5750

*House of Representatives, May 24, 2005*

The Committee on Planning and Development reported through REP. WALLACE of the 109th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

## ***AN ACT CONCERNING TRESPASS, LITTERING AND VANDALISM ON PUBLIC LANDS.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1       Section 1. (NEW) (*Effective October 1, 2005*) Whenever any person is  
2       convicted of a violation of section 53a-107, 53a-108, 53a-109, 53a-115,  
3       53a-116, 53a-117 or 53a-117a of the general statutes and such violation  
4       occurred on public land, the court, in addition to imposing any fine  
5       authorized by section 53a-41 or 53a-42 of the general statutes for such  
6       violation, shall impose a surcharge in an amount equal to fifty per cent  
7       of such fine. Any such surcharge collected shall be payable to the  
8       arresting authority. For the purposes of this section, "public land"  
9       means a state park, state forest or municipal park or any other  
10      publicly-owned land that is open to the public for active or passive  
11      recreation.

12      Sec. 2. Subsection (b) of section 22a-250 of the general statutes is

13 repealed and the following is substituted in lieu thereof (*Effective*  
14 *October 1, 2005*):

15 (b) Any person who violates any provision of subsection (a) of this  
16 section shall be fined not more than one hundred ninety-nine dollars.  
17 Whenever any person is convicted of a violation of subsection (a) of  
18 this section and such violation occurred on public land, the court shall,  
19 in addition to imposing any fine authorized by this subsection, impose  
20 a surcharge in an amount equal to fifty per cent of such fine. One-half  
21 of any fine collected pursuant to this subsection shall be payable to the  
22 state and [the other half] one-half of any fine and all of any such  
23 surcharge shall be payable to the [enforcing municipality] arresting  
24 authority. When any such material or substances are thrown, blown,  
25 scattered or spilled from a vehicle, the operator thereof shall be  
26 deemed prima facie to have committed such offense. For the purposes  
27 of this section, "public land" means a state park, state forest or  
28 municipal park or any other publicly-owned land that is open to the  
29 public for active or passive recreation.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2005</i>	New section
Sec. 2	<i>October 1, 2005</i>	22a-250(b)

**PD**      *Joint Favorable Subst.*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

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**OFA Fiscal Note****State Impact:**

Agency Affected	Fund-Effect	FY 06 \$	FY 07 \$
Public Safety, Dept.	GF - Potential Revenue Gain	Minimal	Minimal

Note: GF=General Fund

**Municipal Impact:**

Municipalities	Effect	FY 06 \$	FY 07 \$
Municipal Police Departments	Potential Revenue Gain	Minimal	Minimal

**Explanation**

The bill establishes an additional surcharge on fines imposed for violations of certain statutes involving trespass, littering and vandalism on public lands. The entire amount of this surcharge is payable to the arresting authority under the bill. There are about 400 violations annually under the statutes impacted by the bill, with revenues of approximately \$70,000 (an average fine imposed of \$175). It is unknown how many of these violations involve public lands. Any revenue gain is anticipated to be less than \$50,000 annually in total.

**OLR Bill Analysis**

sHB 5750

***AN ACT CONCERNING TRESPASS, LITTERING AND VANDALISM  
ON PUBLIC LANDS*****SUMMARY:**

This bill requires courts to impose a surcharge on people convicted of criminal trespass, criminal mischief, or littering in a state or municipal park, state forest, or other publicly owned land open to the public for active or passive recreation. The surcharge is in addition to any authorized fine the court imposes and must equal one-half of the fine. The surcharge is payable to the arresting authority.

The bill also changes the distribution of fines collected for littering on this property by requiring one-half to be payable to the arresting authority, instead of the enforcing municipality. The state remains the recipient of the other half.

EFFECTIVE DATE: October 1, 2005

**BACKGROUND*****Legislative History***

On May 10, the House referred the bill (File 621) to the Planning and Development Committee. On May 16, the committee eliminated a requirement under the original bill for the state to receive one-half of the surcharge.

**COMMITTEE ACTION**

Judiciary Committee

Joint Favorable Substitute

Yea 40      Nay 0

Environment Committee

Joint Favorable Report

Yea 24      Nay 0

Planning and Development Committee

Joint Favorable Substitute

Yea 17      Nay 0